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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,775	06/05/2001	Ashvinkumar J. Sanghvi	MS1-591US	6246

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/875,775

Applicant(s)

SANGHVI ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 13-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-38 are presented for examination.

***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to demand based messaging, classified in class 709, subclass 203.
- II. Claims 13-24, and 33-38 drawn to binding, classified in class 709, subclass 320+
- III. Claims 25-32, drawn to the schema, classified in class 707, subclass 100+

3. The inventions are distinct, each from the other because of the following reasons:

4. Inventions I, II, and III are related subcombinations and disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown separately usable. In the instant case, invention I has separate utility such as in a System lacking binding, schema, particulars. Invention II has separate utility such as in a System lacking schema, particulars. See MPEP § 806.05(d). Also the restriction requirement

is based on the interpretation that every dependent claim is dependent on the preceding independent claim (note Applicant's claim numbering).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because as shown by their different searches and their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Steven R. Sponseller (# 39384) on December 05, 2003, a provisional election was made with traverse to prosecute the invention of Group I, claim 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 25-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1,2,4-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Groath et al. (6,571,285) (hereinafter Groath).

10. As per claim 1, Groath discloses an event management system (col 12, lines 33-40) comprising:

an email consumer configured to handle email messages (figure 2, and 3, col 10, lines 53-63);

a paging consumer configured to generate a page message messages (figure 2, and 3, col 10, lines 53-63);

an active scripting consumer configured to execute at least one script messages (figure 2, and 3, col 10, lines 53-63);

a log file consumer configured to record information in a log file messages (col 11, lines 35-40);

an event log consumer configured to log messages to an event log messages (figure 2, and 3, col 10, lines 41-63); and  
a command line consumer configured to launch at least one process (col 19, lines 19-22)

11. As per claim 2, Groath discloses the email consumer is an SMTP consumer (col 140, lines 40-45).

12. As per claim 4, Groath discloses a forwarding consumer to forward events (col 10, lines 34-43).

13. As per claim 5, Groath discloses the email consumer sends an email message in response to receiving an event (col 10, lines 53-63).

14. As per claim 6, Groath discloses the paging consumer will page a telephone number with a message in response to receiving an event (col 10, lines 47-63).

15. As per claim 7, Groath discloses the active scripting consumer executes a predefined script when an event is received by the active scripting consumer (col 10, lines 34-63).

16. As per claim 8, Groath discloses the log file consumer records information to a log file when an event is received by the log file consumer (col 10, lines 26-33).

17. As per claim 9, Groath discloses the event log consumer logs a message to an event log when an event is received by the event log consumer (col 10, lines 26-33).

18. As per claim 10, Groath discloses the command line consumer launches a process in response to receiving an event (col 49, lines 19-25).

19. As per claim 11, Groath discloses events in the event management system are represented as objects (col 119, lines 23-45).

20. As per claim 12, Groath discloses each consumer in the event management system is represented as a class (col 78, lines 5-10).

***Claim Rejections - 35 USC § 103***

21. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al. (6,571,285) (hereinafter Groath) in view of Murray (Windows NT Event Logging by James D. Murray published on September 1998)

22. As per claim 3, Groath discloses Event manager is installed on NT operating system (col 83, 48-56)

Groath is silent about the event log consumer is an NT event log consumer. However, Murray discloses the event log consumer is an NT event log consumer (Chapter 2, Microsoft API's are available to interface with NT event log service).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention to use Windows NT event logging services, Windows NT logging service API 's are well tested, robust and provides automatic formatted viewing capability.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:



U.S. Patent 6,658,465 to Tauboul et al.

U.S. Patent 6,662,195 to Langseth et al.

U.S. Patent 6,564,342 to Landan et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5404.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MAS



JOHN FOLLANSBEE  
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